



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

DEAN ALTON HOLCOMB, a/k/a Rabbi  
Dean Alton Holcomb,  
Plaintiff,

VS.

JOHN TIMOTHY MARTIN; MICHAEL  
JARVIS; WESLEY SMITH; SHERIFF STEVE  
LOFTIS; AND SYLVIA P. HARRISON,  
Defendants.

CIVIL ACTION NO. 6:15-00160-MGL

ORDER ADOPTING THE REPORT AND RECOMMENDATION AND DISMISSING  
PLAINTIFF'S COMPLAINT WITH PREJUDICE FOR FAILURE TO PROSECUTE

This case was filed pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the Court dismiss the Complaint with prejudice for failure to prosecute. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on September 8, 2015, and the Clerk of Court entered Plaintiff's objections on September 24, 2015. The Court has reviewed the objections, but finds them to be without merit. Therefore, it will enter judgment accordingly.

Plaintiff was initially instructed by this Court to file his amended complaint by August 17, 2015. ECF No. 25. The Magistrate Judge subsequently extended Plaintiff's deadline for filing his amended complaint until September 1, 2015, and warned Plaintiff that should he choose not to file an amended complaint, his case would be recommended for dismissal for failure to prosecute. ECF No. 28. As noted above, the Magistrate Judge recommended in her Report that Plaintiff's Complaint be dismissed with prejudice for failure to prosecute. ECF No. 30. Plaintiff did not request another extension of time to file his amended complaint; rather, he filed his objections to the Report, which did not address his failure to file his amended complaint on time. ECF No. 32. In Plaintiff's objections, he makes no specific objections to the Report. Instead, he generally reiterates claims that the Magistrate Judge has already considered and rejected. Because the Court agrees with the Magistrate Judge's treatment of those issues, it need not discuss them again here. Therefore, it will overrule Plaintiff's objections.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that the Complaint is **DISMISSED WITH PREJUDICE** for failure to prosecute.

**IT IS SO ORDERED.**

Signed this 30th day of September, 2015, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.